

Attachment 1

Worksheet Documentation of Land Use Plan Conformance and Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Utah Bureau of Land Management (BLM)

This worksheet is to be completed consistent with guidance provided in instructional text boxes on the worksheet and the 'Guidelines for Using the DNA Worksheet' located at the end of the worksheet. The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

A. BLM Office: Richfield Field Office

Lease/Serial/Case File: Not Applicable

NEPA Number: UT-050-06-046 DNA

Type of Action: Leasing for Oil and Gas as offered by competitive leasing under the Minerals Act of 1920, as amended.

Location of Proposed Action: Multiple townships in Garfield, Piute, Sanpete, Sevier, and Wayne Counties, Utah.

Description of the Proposed Action:

Public land in the Richfield Field Office has been nominated for Federal oil and gas leasing. Attachment DNA-1 includes the list of the 27 nominated parcels with legal descriptions and includes four maps of the parcels.

Leasing for oil and gas is allowed under the Mineral Leasing Act of 1920, as amended. Parcels of land nominated by the public are offered for leasing through a competitive process, and a competitive lease sale is held each quarter of the year. The subject parcels would be offered in the August 2006 competitive lease sale. If a parcel is not leased through competitive bidding, then for two years following the competitive sale, the parcel would be available through a noncompetitive sale. A lease, once issued, may be held for a primary term of 10 years. After 10 years, the lease expires unless oil and/or gas are produced, and if there is production, then a lease is held for as long as production is in paying quantities.

Based on land use planning, parcels offered for lease are subject to four leasing categories. These categories are:

- Category 1: Open to leasing, subject to standard lease terms,
- Category 2: Open to leasing, subject to standard lease terms and special stipulations,

- Category 3: Open to leasing, subject to standard lease terms and no surface occupancy, and
- Category 4: Not open to leasing.

The parcels nominated for leasing include land in Categories 1, 2, and 3.

Applicant (if any):

Industry representatives have nominated public land for the leasing of Federal oil and gas.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Land Use Plan:

Date Approved:

Mountain Valley Management Framework Plan
Parker Mountain Management Framework Plan

1982
1979

Other documents:

Date Approved:

None

N/A

Parcels UT0806-011 through UT0806-016, UT0806-018 through UT0806-022, UT0806-027 through UT0806-036, UT0806-043, UT0806-244, and UT0806-245 are subject to the Mountain Valley Management Framework Plan. Parcels UT0806-246 through UT0806-248 are subject to the Parker Mountain Management Framework Plan. The decisions in these plans are to implement oil and gas leasing in accordance with the category system.

The subject parcels include public land with split estate, where the surface estate is non-federal and the oil and gas estate is federal. The decisions in the above-listed, land use plans apply to public land, which is defined in Sec. 103(e) of the Federal Land Policy Management Act of 1976 as “* * * any land and interest in land owned by the United States * * * administered by the Secretary of the Interior through the Bureau of Land Management * * *.”

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action:

- Oil and Gas Leasing Environmental Assessment Record, 43-050-5-31, Bureau of Land Management, Richfield District (1975), subsequently referred to as the Richfield District Oil and Gas EA,
- Environmental Analysis Record, Oil and Gas Leasing, Fillmore District, Bureau of Land Management (1976), subsequently referred to as the Fillmore District Oil and Gas EA,
- Utah Combined Hydrocarbon Leasing Regional EIS (1984), subsequently referred to as the CHL EIS, and
- Oil and Gas Leasing Implementation EA for Henry Mountain and Sevier River Resource Areas (1988), UT 050-89-024, subsequently referred to as the Implementation EA.

The 1975 Richfield District Oil and Gas EA and the 1976 Fillmore District Oil and Gas EA address leasing for oil and gas programmatically. In 1975, public land, now in the Richfield Field Office, was administered by two District Offices as follows:

- Public land in Sanpete County was included in the Fillmore District and
- Public land in Garfield, Piute, Sevier, and Wayne County (generally west of the Dirty Devil River) was included in the Richfield District.

Thus, the District Oil and Gas EAs apply to the public land that is proposed for leasing in the August 2006 sale. In 1976, administrative boundaries were adjusted, and the public land as described above became part of the re-aligned Richfield District.

In 1988, the Implementation EA was prepared to address leasing in the Sevier River and the Henry Mountain Resource Areas, which were part of the Richfield District. This EA allows for leasing as directed in the Mountain Valley and Parker Mountain MFPs. The Richfield District Oil and Gas EA was cited in the Implementation EA; however, by oversight, the Fillmore District Oil and Gas EA was not specifically cited. However, the applicable land use plans in 1988 are the Mountain Valley MFP and Parker Mountain MFPs, and these plans address leasing of public land in Garfield, Piute, Sanpete, Sevier, and Wayne Counties that is nominated for leasing in the August 2006 sale.

In 1996, the Richfield District boundaries were again re-drawn. Public land as described above is now included in the Richfield Field Office.

D. NEPA Adequacy Criteria

The proposed action has been reviewed by BLM specialists, which have expertise in natural resources. Documentation of this review of the existing NEPA record and the environmental analysis is provided through an Interdisciplinary Team Analysis Checklist (Attachment DNA-1). The documentation and explanation to each of the adequacy criteria are based on this interdisciplinary approach and review.

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

☒ Yes
☐ No

Documentation of answer and explanation:

In the 1975-76 District Oil and Gas EAs, the proposed action is to lease public lands that are administered by the Bureau of Land Management for oil and gas exploration and development. Activities that could be associated with oil and gas exploration and development are described as petroleum operations that progress through five phases, which include: preliminary investigations, exploratory drilling, development, production, and abandonment. Operations normally progress from one phase to the next, although abandonment may follow any one stage or two or more stages could occur concurrently in a given area. Although some variation in the discussion may be noted, the EAs have a detailed description of the proposed action and the possible oil and gas activities that may occur, if leasing is allowed. The proposed action is addressed in the 1975-76 EAs as follows:

- Richfield District Oil and Gas EA, p. 1-25 and
- Fillmore District Oil and Gas EA, p. 1-11.

In the 1988 Implementation EA (p. 1-2), oil and gas leasing would be allowed on the subject parcels, subject to the land use plans and subject to the leasing categories that are identified in those plans. The appropriate leasing categories are identified in this EA on p. 4, 5, 8-10, and Appendix 1. This EA references the “original EA” of the Richfield District. As stated at Section C of this document, the Fillmore District Oil and Gas EA was unintentionally omitted from reference in the Implementation EA. The leasing categories are identified and delineated for public land within the field office, and the category designations are consistent with the analysis in the 1975-76 District Oil and Gas EAs and the decisions in the approved land use plans. As previously stated, the subject parcels, as located in the Richfield Field Office, include public land in Categories 1, 2, and 3.

The proposed action—leasing for oil and gas in the August 2006 sale—is substantially the same as the proposed action analyzed in each of the above environmental documents. Public land would be offered for leasing, and exploration and development for oil and gas resources may occur dependent on specific approval by the BLM and dependent on site-specific NEPA analysis. If land is leased, a lessee would be afforded rights to explore for and to develop oil and gas, subject to the lease terms, regulations, and laws.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

☒ Yes
☐ No

Documentation of answer and explanation:

In the 1975-76 District Oil and Gas EAs, BLM evaluated one alternative to leasing which is to not allow leasing. The no leasing alternative is described in each District Oil and Gas EA as follows:

- Richfield District Oil and Gas EA, p. 26.
- Fillmore District Oil and Gas EA, p. 11, and
- Price District Oil and Gas EA, p. 13.

In the 1988 Implementation EA (p. 2), alternative proposals to the proposed action are not evaluated, “(b)ecause this assessment finds no significant impact from the analysis of the proposal,” which is to allow for leasing. Therefore, no leasing nor another alternative were not considered in the 1988 Implementation EA, because the potential impacts to the environment from oil and gas leasing are adequately analyzed in the 1975-76 EAs, and no further study of alternatives is warranted. The rationale for this absence of alternatives to the proposed action in 1988 is based on 40 CFR 1501.2(c) that states: “(s)tudy, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources * * *.” The 1975-76 EAs had considered appropriate alternatives, including no leasing; therefore, consideration of this alternative or other alternatives was deemed unnecessary.

3. Is existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

☒ Yes
☐ No

Documentation of answer and explanation:

A review of the proposed action has been completed and is documented in the Interdisciplinary Team Analysis Record (Attachment DNA-1). New information or changes in circumstances are

described below. This new information or changes in circumstances do significantly modify the analysis that has been completed in the NEPA record, where significantly is considered in the context of the rules adopted by the Council of Environmental Quality.

Cultural Resources and Native American Consultation

Based on the existing information concerning cultural resources as documented in the Staff Report for cultural resources, which is in Attachment DNA-1, the proposed lease parcels predominantly have low densities of archaeological or cultural sites. Under Section 6 of the standard lease terms (Form 3100-11), siting and design of facilities may be modified to the extent consistent with lease rights granted. Under the federal regulations at 43 CFR 3101.1-2, proposed operations may be moved up to 200 meters, when consistent with lease rights. A proposed site could be moved a greater distance, if justified in the environmental analysis at the time of an application for oil and gas operations. Thus, a proposed operation for oil and gas may be moved to avoid impacts to archaeological or cultural resources, consistent with lease rights.

Given the absence of recorded archaeological sites on the subject parcels and the anticipated low density of cultural sites, if present, the discretionary authority to move a proposed operation would allow for adequate protection of any inventoried cultural resource site at the time of an application for exploration and/or development of oil and gas resources. Potential impacts to cultural resources could be avoided or mitigated by appropriate measures when on-the-ground exploration and development is proposed. If actual surface disturbing activities are proposed on a lease, site-specific cultural resource inventories would be conducted at that time and appropriate Section 106 consultation under the National Historic Protection Act would be completed.

In addition, possible impacts to cultural resources are not anticipated, because adequate protection can be afforded by the Cultural Resource stipulation required by IM 2005-003. That stipulation is:

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Based on the attached staff report, the recommended determination is: No Historic Properties Affected; eligible sites present, but not affected as defined by 36 CFR 800.4. This recommendation is in accordance with the State Protocol Agreement at Part VII(A)(C)(4) between the Utah BLM and the Utah State Historic Preservation Officer. According to this

section of the Protocol Agreement, BLM is not requesting SHPO review of leasing, because this action does not meet the review thresholds outlined in Part VII(A).

The Paiute Indian Tribe, Ute Indian Tribe, Southern Ute Tribe, Ute Mountain Tribe, Hopi Tribe, and Navajo Nation were notified by certified mail of the proposed leasing by letters that were mailed on May 19, 2006. Copies of these letters are included in Attachment DNA-1.

On May 30, 2006, the Paiute Indian Tribe responded that Parcels UT0806-011 through UT0806-013 should not be offered for oil and gas leasing. A copy of the letter is in Attachment DNA-1. The Paiute Tribe expressed concern with respect to cultural resources, plants, animals, natural springs, and other places of cultural significance. These three parcels are recommended for deferment from leasing in the August 2006 sale, in order to further consult with the Paiute Indian Tribe with respect to their concerns. During this consultation, BLM will elaborate on the steps and regulatory process that are involved with leasing and approval of applications for drilling, seismic operations, and other exploration and development. Also, BLM will afford the tribe an opportunity to delineate specific areas of concern within these three parcels.

As of June 9, 2006, other tribes have not responded to BLM with respect to the lease sale. All tribes would be afforded an opportunity to comment again, if on-the-ground operations, involving surface disturbance, are proposed on a lease.

Wilderness Characteristics

As addressed in the Staff Report, Special Management Areas, in Attachment DNA-1, Parcels UT0806-022, UT0806-035 and UT-0806-036 are encompassed, in part, by lands that were nominated for wilderness by the public during the on-going land use planning for the Richfield Field Office. The lands listed in the staff report under Wilderness Characteristics have been evaluated by BLM and were determined to likely have wilderness characteristics. Wilderness characteristics of these lands were not considered in the existing NEPA record; therefore, the information is new circumstance. However, the components of wilderness characteristics, i. e., naturalness, primitive recreation, and opportunity for solitude have been analyzed in the 1975 Richfield District EA. The potential impacts of leasing to vegetation, wildlife, soils and other components of the natural environment were analyzed in 1975, and these components of naturalness are factors that influence primitive recreation and the opportunities for solitude. In addition, the use and the character of the public land, including primitive recreation and the opportunity for solitude, have not changed substantially since 1975. Therefore, this new information is considered insignificant with regard to the analysis of the proposed action.

Areas of Critical Environmental Concern

Parcels UT0806-022, UT0806-027, UT0806-028, UT0806-036, UT0806-043, and UT0806-246 through UT0806-248 overlap public lands that have been nominated as Areas of Critical Environmental Concern (ACECs) during the on-going land use planning for the Richfield Field Office. The nominations of the ACECs by the public occurred after the completion of the

existing NEPA record for leasing; therefore, the information is new circumstance. The portion of each parcel that is within a proposed ACEC is listed in the Staff Report for Special Management Areas, which is in Attachment DNA-1. The relevant and important values include wildlife, riparian areas, and sagebrush steppe habitat, and these values are adequately addressed in the existing EAs. The wildlife concerns include big game, prairie dog, pygmy rabbit, and sage grouse, and riparian areas and sagebrush terrain provides habitat for these animals. Where appropriate, based on the allocations in the subject land use plan and the 1988 Implementation EA, a special lease stipulation will be attached to a lease for seasonal restriction on oil and gas exploration to protect important wildlife habitat. As addressed below under Special Status Species, a lease stipulation will be added to protect the Utah prairie dog, and a lease notice will be added for the pygmy rabbit and sage grouse. In addition, biological and water resources are also subject to necessary mitigations under the standard lease terms (section 6 of Form 3100-11) as consistent with the rights afforded to the lessee. Therefore, the nomination of ACECs is a possible designation of land use management that was not considered in the existing NEPA record; however, impacts to animals and vegetation (habitat including riparian) was considered in the existing NEPA documents.

Visual Resource Management

Parcels UT0805-014, UT0805-015, UT0805-016, UT0805-020, UT0805-022, and UT0805-027 are encompassed, in part, by lands that have been designated as Visual Resource Management (VRM) Class II in the Mountain Valley Management Framework Plan (MFP). The objective of Class II is:

“* * * to retain the character of the landscape. The level of change to the characteristic of landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristics landscape.”

Landscape character is analyzed in the 1975 District Oil and Gas EA, and as addressed in that EA, mitigating visual impacts could include evaluating the location of facilities, recontouring and revegetating disturbed lands, using color schemes harmonious with the surrounding landscape, and requiring off-site drilling in specific locations as addressed in the MFP. The lands subject to VRM Class II were designated in the applicable MFP, and the 1988 Richfield Implementation EA carried forth the decisions in the MFP. A lease stipulation for VRM Class II is not required in the MFP, since mitigations would be developed at the time of the review of an application for exploration and development. However, lease notice is added to these six parcels with respect to the objective of VRM Class II, as described in the preliminary list in Attachment DNA-1.

Special Status Species

Based on the interdisciplinary review (Attachment DNA-1), habitat for the Utah prairie dog, pygmy rabbit, and sage grouse may be present on certain parcels as identified below.

Utah Prairie Dog

Habitat for the Utah prairie dog may be present on Parcels UT0806-011 through UT0806-013, UT0806-019, and UT0806-246 through UT0806-248. In addition, portions of Parcels UT0806-011 and UT0806-012 are adjacent to private land, which has Safe Harbor Agreements for the Utah prairie dog. However, as addressed above under Native American Concerns, Parcels UT0806-011 through UT0806-013 are recommended for deferral from leasing in the August 2006 sale. Thus, based on the potential presence of this threatened species and/or habitat and as directed by WO IM No. 2002-174, the following lease stipulation will be added to Parcels UT0806-019 and UT0806-246 through UT0806-248:

The lease may now and hereafter contain plants, animals, and their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objectives to avoid BLM approved activity that will contribute to a need to list such a species or their habitat. BLM may require modification to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligation under requirements of the Endangered species Act as amended, 16 O.S. C. § 1531 et seq. including completion of any required procedure for conference or consultation.

In addition, as directed in IM UT 2005-089, the following lease notice will be added:

The lessee/operator is given notice that lands in this lease may contain historic and/or occupied Utah prairie dog habitat, a threatened species under the Endangered Species Act. Avoidance or use restrictions may be placed on portions of the lease. Application of appropriate measures will depend whether the action is temporary or permanent, and whether it occurs when prairie dogs are active or hibernating. A temporary action is completed prior to the following active season leaving no permanent structures and resulting in no permanent habitat loss. A permanent action continues for more than one activity/hibernation season and/or causes a loss of Utah prairie dog habitat or displaces prairie dogs through disturbances, i.e. creation of a permanent structure. The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of and adherence to these measures will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage.

Current avoidance and minimization measures include the following:

1. Surveys may be required prior to operations. All Surveys must be conducted by qualified individual(s).
2. Lease activities may require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.
3. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in prairie dog habitat.
4. Surface occupancy or other surface disturbing activity will be avoided within 0.5 mile of active prairie dog colonies.
5. Permanent surface disturbance or facilities will be avoided within 0.5 mile of potentially suitable, unoccupied prairie dog habitat, identified and mapped by Utah Division of Wildlife Resources since 1976.
6. The lessee/operator should consider if fencing infrastructure on well pad, e.g., drill pads, tank batteries, and compressors, would be needed to protect equipment from burrowing activities. In addition, the operator should consider if future surface disturbing activities would be required at the site.
7. Within occupied habitat, set a 25 mph speed limit on operator-created and maintained roads.
8. Limit disturbances to and within suitable habitat by staying on designated routes.
9. Limit new access routes created by the project.

Pygmy Rabbit/Sage Grouse Habitat

Habitat for pygmy rabbit and sage grouse, non-listed species, may be present on Parcels UT0806-014 through UT0806-016, UT0806-018 through UT0806-020, and UT0806-246 through UT0806-248, and habitat for pygmy rabbit only may be present on Parcels UT0806-011 through 013.

In order to comply with BLM Policy 6840 for Utah BLM State Sensitive Species, the following lease notice UT-LN-43 (Pygmy Rabbit/Sage Grouse Habitat) will be attached to the parcels:

The lessee/operator is given notice that this lease has been identified as potentially containing pygmy rabbit and sage grouse habitat. Modifications to the Surface Use Plan of Operations may be required in order to protect the pygmy rabbit and sage grouse and/or their habitat from surface disturbing activities in accordance with state and range-wide conservation recommendations.

In accordance with Instruction Memorandum UT 2005-089, BLM has corresponded with FWS, has identified the lease stipulation and notice for the Utah prairie dog, and FWS has concurred with a determination of “may affect, not likely to adversely affect” for oil and gas leasing. The Field Manager, Richfield Field Office notified the Field Supervisor, FWS on June 12, 2006, The Field Supervisor concurred with this finding on June 27, 2006. Correspondence between FWS

and BLM is contained in Attachment DNA-1. As a note, correspondence between the two agencies contained incorrect parcel numbers due to a problem with the geographic data base. However, as noted in an informal memorandum, date June 29, 2006, the inadvertent error in parcel numbers has been clarified and the error did not result in the incorrect identification of public land that may be habitat for the Utah prairie dog. In addition, the lease notice for pygmy rabbit and sage grouse habitat is expected to provide adequate flexibility to mitigate possible impacts to the habitat that could occur from proposed, oil and gas operations within a federal lease. Additional measures to avoid or minimize effects to the Utah prairie dog, pygmy rabbit, and sage grouse may be prepared and implemented in consultation with the U.S. Fish and Wildlife Service when exploration and development is proposed for a lease, and the measures would ensure continued compliance with the Endangered Species Act.

In addition, portions of the Parcels UT0806-246 and UT0806-247 that have identified nesting habitat for the sage grouse in the Parker Mountain MFP are subject to a lease stipulation as described on the preliminary list in Attachment DNA-1. This lease stipulation allows for oil and gas exploration and development from June 1 to March 31, which protects the grouse during its nesting period.

Summary of New Information and/or Circumstance

No new information or circumstances have been identified that would render the existing environmental analysis inadequate. All identified new information and/or circumstances are adequately analyzed in the existing NEPA record or are otherwise insignificant additions to the information available when the existing NEPA record was completed. New analysis is considered unnecessary.

4. Do the methodology and analytical approach used in the existing NEPA documents(s) continue to be appropriate for the current proposed action?

☒ Yes
☐ No

Documentation of answer and explanation:

The methodology and the analysis in the 1975-76 District Oil and Gas EAs are appropriate for the current proposed action. The proposed action and the existing environment are described in the NEPA documents, and the anticipated and residual impacts are considered and evaluated with respect to the elements of the environment that may be affected, if the proposed action were authorized. Anticipated and residual impacts in the 1975 EAs are inclusive of direct, indirect, and cumulative impacts. In addition, short-term use versus long-term productivity, irreversible and irretrievable commitment of resources, possible mitigations to reduce or eliminate anticipated impacts to the elements of the environment, and enhancing measures have been evaluated. An alternative, no leasing, has also been analyzed. This methodology—describing the proposed action, alternative actions, and the affected environment; analyzing the potential

impacts to elements of the environment; and evaluating proposed mitigations—is consistent with the current BLM NEPA guidance and is appropriate in evaluating the possible consequences of leasing.

The 1988 Implementation EA evaluates oil and gas leasing as directed and allowed under the Mountain Valley MFP. In addition, this EA (p. 1) incorporates the 1984 CHL EIS by reference, which addressed the guidelines for the leasing category system. In the 1988 Implementation EA (p. 4, 5, 8-10, and Appendix 1), the oil and gas leasing categories are designated for public land in the Richfield Field Office. As stated in the 1988 Implementation EA (p. 1), the decisions in the land use plan are not modified. Rather the decisions in the land use plan are implemented by supporting the compliance with the NEPA process (p. 1). Through the process of preparing the 1988 Implementation EA, the BLM is assured that public land available for leasing is offered in the appropriate leasing category and that appropriate special stipulations are attached to an authorized lease. This methodology is considered appropriate to the current proposed action.

In the 1988 Implementation EA (p. 2-3), a reasonable foreseeable development (RFD) was analyzed for oil and gas exploration and development. The RFD includes one exploratory well per year, based on historical activity.

Exploration methodology has changed somewhat, since the NEPA record was completed. In general, exploration and development involves less surface disturbance than was envisioned in the existing NEPA record. Equipment for geophysical operations involves smaller trucks for drilling shot holes and for vibrating, and heliportable drilling is utilized where vehicles cannot be reasonably driven cross-country. Co-locating wells on a single well pad also is considered as an alternative to constructing an access and well pad for each well. These methodologies are considered based upon topography, existing access, exploration targets, and the feasibility of each method. The potential impacts would generally be less than analyzed in existing NEPA documents; therefore, the existing documents adequately analyze the parcels recommended for leasing.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?

☒ Yes
☐ No

Documentation of answer and explanation:

On a programmatic basis, the 1975-76 District Oil and Gas EAs evaluated the anticipated and residual impacts that could result from oil and gas leasing. The MFPs provide specific information regarding the resources that could be impacted by oil and gas exploration and development. The 1988 Implementation EA provides an analysis of designating public land as

being subject to the four leasing categories and the special stipulations under Category 2, based on specific resource information and concerns. The analysis in the 1988 Implementation EA is therefore sufficiently describes the mitigations required for leasing. Further site-specific review that addressed environmental justice, hazardous and solid waste, Native American Religious concerns, and noxious weeds in addition to the elements originally examined in the NEPA documents listed in B. and C. above, indicate the following:

Possible mitigating or enhancing measures as well as recommended mitigations or enhancements are addressed in the EAs. The impact analysis and mitigations, as appropriate, have been incorporated into the land use plan and are implemented through the 1988 Implementation EA through the leasing category system. The impacts, which are evaluated in the District Oil and Gas Leasing EAs and 1988 Implementation EA, are essentially the same now as when the EAs were prepared.

Anticipated and residual impacts are addressed in the 1975-76 EAs at:

- Richfield District Oil and Gas EA, p. 50-79 (anticipated impacts); p.115-122 (residual impacts) and
- Fillmore District Oil and Gas EA, p. 61-112 (anticipated impacts); p.165-173 (residual impacts).

As a consideration to leasing of public land, the impacts of geophysical exploration, drilling for oil and gas, and development were addressed in the above-listed EAs. If an operator or lessee were to propose geophysical exploration, drilling of a well, or development of production facilities, then a written proposal would be required, and the action would require approval prior to such exploration or development. As stated in the 1988 Implementation EA (p. 3), a site-specific analysis and mitigation would be completed under an NEPA document for the specific proposal at the time of a specific application. As a further note, geophysical exploration is a discretionary action that does not require a lease, and applications for geophysical exploration would be considered, subject to the land use plan and a site-specific environmental analysis, regardless of whether a lease is authorized.

6. Are the reasonably foreseeable cumulative impacts that would result from implementation of the proposed action substantially unchanged from those identified in the existing NEPA document(s)?

☒ Yes
☐ No

Documentation of answer and explanation:

As stated in the 1988 Implementation EA (p. 3), oil and gas exploration and development has historically involved an average of one exploration well per year. Based on that trend, one well per year for exploration was projected as a reasonable foreseeable development scenario as stated in the Implementation EA (p. 3, 11), and the anticipated impacts were projected to be

approximately 78 acres during the subsequent 13 years. From 1988 to 2003, oil and gas activity averaged much less than one well per year, and all wells on public land were plugged and abandoned with the surface reclaimed. The 1988 Implementation EA was written to address lands managed under the MFPs, and the reasonable foreseeable development scenario, therefore, applies to public land administered by the Richfield Field Office.

In 2004, oil was discovered in paying quantities in Sevier County. Since that discovery, exploration has increased within the Richfield Field Office. Also, the Energy Act of 2005 and an increase in the prices for oil and gas have been favorable for oil and gas exploration. In the Richfield Field Office, most drilling to date has been at the newly discovered Covenant Field, south of Sigurd; however, there have been other wells proposed in the vicinity of the Sevier and Sanpete Valleys and on the Wasatch Plateau. Not all of these wells have been on public land. Total surface disturbance on public land from the oil and gas drilling and production in the vicinity of Sevier Valley includes approximately 22 acres. An additional 26 acres of public lands would be disturbed, if the wells currently under application or approved were to be drilled.

In addition, geophysical operations have increased in association with an increased interest in exploration. From 1988 through 2003, Richfield FO approved six Notices of Intent to Conduct Geophysical Operations; whereas, from 2004-2005, six seismic operations have involved BLM approval. One seismic project has been approved for 2006, and five additional projects are being reviewed for approval at this time. In 2004-2005, 481 miles of seismic surveying were completed, and in 2006, 267 miles of line have been proposed. Exploration using geophysical surveys is anticipated to continue and possibly increase in the foreseeable future. Geophysical operations were not included in the reasonable foreseeable development scenario in 1988; however, the surface disturbances associated with seismic operations have been negligible to minimal. Federal oil and gas leases are not required for seismic exploration on public land, and regardless of whether leases are issued, geophysical exploration may occur, although seismic exploration could be less likely to occur, if industry cannot obtain federal leases.

In summary, the reasonable foreseeable development included a projection of 78 acres of surface disturbance related to oil and gas exploration during a 13-year period. Although more than 13 years have elapsed since the adoption of that scenario, the total acreage has not been exceeded: For public land, approximately 22 acres of the projected 78 acres are currently disturbed by oil and gas operations. The 1975-76 Oil and Gas Leasing EAs and the 1988 Implementation EA considered and addressed possible residual impacts, the short-term versus long-term productivity, and the irreversible and irretrievable commitment of resources. The impact analysis in those documents has not substantially changed; however, the exploration and limited development has occurred with the activity mostly in the last two years. The 1975-76 District Oil and Gas EAs programmatically address all phases of oil and gas exploration and development, which range from preliminary investigations to abandonment, and the analysis in those documents is substantially unchanged from 1975 to the present.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

☒ Yes
☐ No

Documentation of answer and explanation:

The public was allowed an opportunity to comment on the NEPA documents that were prepared in 1975-76 and 1988, and the public was allowed to participate in the land use planning that resulted in the MFPs. In 1975, the public was notified of the environmental review for oil and gas leasing through public meetings, news releases, and radio broadcasts (1975-76 District Oil and Gas EAs). The public was allowed to review and comment on the 1988 Implementation EA (p. 13).

For the current lease sale in August 2006, the public again has been offered the opportunity to provide comments or to be involved in the process. The proposed sale and the NEPA review have been posted for public review on the Electronic Notification Bulletin Board. A decision to lease by the BLM will be signed, once the final list of available tracts is completed and the decision is subject to protest.

The BLM notified Native American tribes of the proposed lease offer on February 7, 2006. The letters are in Attachment DNA-1.

One response has been received from the Paiute Indian Tribe, which requested that Parcels UT0806-011 through UT0806-013 not be offered for leasing. Further consultation is planned with respect to these three parcels to evaluate the tribal concerns and to determine the adequacy of the existing NEPA record. These three parcels are recommended for deferral from leasing in the August 2006 sale, in order to allow for that consultation.

As previously addressed under Criterion 3, the U.S. Fish and Wildlife Service was notified by memorandum on June 12, 2006, as to determinations of habitat for the Utah prairie dog, pygmy rabbit, and sage grouse on the parcels that are proposed for leasing. FWS was notified that a lease stipulation and notice would be added to the parcels that may contain the prairie dog and a lease notice to the parcels that may contain pygmy rabbit and/or sage grouse. FWS formally responded on June 27, 2006, with its concurrence on a finding of "may affect, but not likely to adversely affect." Clarification to incorrect parcels numbers was made in an informal memorandum between FWS and BLM staff on June 29, 2006. The correspondence is included in Attachment DNA-1.

E. Interdisciplinary Analysis: Identify those team members conducting analysis or participating in the preparation of this worksheet.

The team members are identified in Attachment DNA-1.

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

Leasing categories and special stipulations have been identified in the applicable land use plans and the 1988 Implementation EA. Where in accordance with the land use plan, lease stipulations have been identified for the subject parcels as delineated by legal description in the preliminary list (Attachment DNA-1).

As stated previously, parcels in this sale will have a lease notice for the protection of cultural resources in accordance with Bureau policy. In addition, inventories would be used to identify specific cultural resources at the time of an application for oil and gas operations. Furthermore, a lease stipulation for the Utah prairie dog and a lease notice for pygmy rabbit and sage grouse will be attached to the parcels that may habitat for these animals.

CONCLUSIONS

Based on the review documented above, I conclude that:

Plan Conformance:

- ☒ This proposal conforms to the applicable land use plan.
- ☐ This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

- ☒ The existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.
- ☐ The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

_____/s/ Rodney P. Lee_____
Rod Lee, NEPA Coordinator

_____/6/29/06_____
Date

_____/s/ Wayne A. Wetzel_____
Wayne A. Wetzel, Associate Field Manager

_____/6/30/06_____
Date

Attachment DNA-1: Interdisciplinary Team Analysis Record Checklist including:

Proposed Action
Interdisciplinary Team Analysis Record Checklist
Preliminary May 2006 List for Richfield Field Office
Maps 1-4
Attachment for Air and Water Quality
Staff Report for Special Management Areas
Land Notes—Legal Descriptions
Oil and Gas Lease Sale (August 2006)—Floodplains and Soils
Special Status Plant and Animal Clearances
Memorandum from the Field Manager, Richfield Field Office to the Field Supervisor,
FWS
Memorandum (in response) from Field Supervisor to Field Manager, Richfield Manager
Informal Memorandum from RFO (Geologist) to FWS (Ecological Services)
Staff Report for Cultural Resources with tribal notifications
Letter (in response) from the Paiute Indian Tribe of Utah.